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October 3, 2012

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in WT Docket No. 12-70, *Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands*; ET Docket No. 10-142, *Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz*; and WT Docket No. 04-356, *Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH") submits this letter summarizing several meetings on Tuesday, October 2, 2012 as follows:

- A meeting with Commissioner Jessica Rosenworcel and David Goldman, Senior Legal Advisor for Commissioner Rosenworcel. Present on behalf of DISH were Charlie Ergen, Chairman; Thomas Cullen, Executive Vice President; Jeffrey Blum, Senior Vice President and Deputy General Counsel; and Mariam Sorond, Vice President, Technology Development.
- A meeting with Commissioner Ajit Pai and Matthew Berry, Chief of Staff to Commissioner Pai. Present on behalf of DISH were Charlie Ergen, Chairman; Thomas Cullen, Executive Vice President; Jeffrey Blum, Senior Vice President and Deputy General Counsel; and Mariam Sorond, Vice President, Technology Development.
- A meeting with Zachary Katz, Chief of Staff for Chairman Genachowski; Renee Wentzel, Legal Advisor for Chairman Genachowski; Ruth Milkman, Chief, Wireless Telecommunications Bureau; John Leibovitz, Deputy Chief, Wireless Telecommunications Bureau; and Julius Knapp, Chief, Office of Engineering and Technology. Present on behalf of DISH were Thomas Cullen, Executive Vice President; Jeffrey Blum, Senior Vice President and Deputy General Counsel; Mariam Sorond, Vice

President, Technology Development; David Zufall, Vice President, Wireless Development; Hadass Kogan, Associate Corporate Counsel; and John Flynn, Outside Counsel.

- A meeting with Tom Peters, Chief Engineer, Wireless Telecommunications Bureau; Blaise Scinto, Chief, Broadband Division, Wireless Telecommunications Bureau; Jeremy Marcus, Assistant Chief, Broadband Division, Wireless Telecommunications Bureau; Peter Daronco, Associate Chief, Broadband Division, Wireless Telecommunications Bureau; Chris Helzer, Broadband Division, Wireless Telecommunications Bureau; Stephen Zak, Broadband Division, Wireless Telecommunications Bureau; John Spencer, Broadband Division, Wireless Telecommunications Bureau; and Janet Young, Broadband Division, Wireless Telecommunications Bureau. Present on behalf of DISH were Jeffrey Blum, Senior Vice President and Deputy General Counsel; Mariam Sorond, Vice President, Technology Development; and David Zufall, Vice President, Wireless Development.

During the meetings, DISH urged the Commission to complete the above-referenced rulemaking as expeditiously as possible, and maintain the existing band plan, consistent with the AWS-4 NPRM.¹ DISH reiterated that a 5 MHz upward shift of the AWS-4 uplink spectrum at 2000-2020 MHz would needlessly inject serious delay and risk to DISH's planned deployment.² In addition, DISH explained that deploying high-power terrestrial mobile broadband services in the lower and upper H Block (1915-1920 MHz/1995-2000 MHz) could also create significant interference to PCS and AWS-4.³ For AWS-4 alone, high-power H Block operations would render, at least, 25 percent of the AWS-4 uplink band unusable.

Consistent with other stakeholders in this proceeding, DISH provided the Commission with a number of alternative uses for the H Block that would make it viable for auction,⁴ without jeopardizing the ability to deploy mobile broadband services in the AWS-4 band (2000-2020 MHz and 2180-2200 MHz), and without requiring a reduction in emissions or power levels of AWS-4. Specifically, these options include small cell LTE broadband deployment in both the H

¹ Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket No. 12-70, Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz, ET Docket No. 10-142, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, WT Docket No. 04-356, *Notice of Proposed Rulemaking and Notice of Inquiry*, FCC 12-32 (rel. Mar. 21, 2012) ("AWS-4 NPRM").

² See e.g., Letter from Jeffrey H. Blum, DISH, to Marlene H. Dortch, Secretary, FCC, WT Dkt. Nos. 12-70 and 04-356 and ET Dkt. No. 10-142 (Aug. 28, 2012).

³ These interference concerns could preclude licensing of the H Block under the recent Spectrum Act. See Middle Class Tax Relief and Job Creation Act of 2012, Pub. Law 112-96, § 6401(b) (directing the Commission to auction the H Block for commercial use under flexible-use service rules, unless it determines that the respective spectrum blocks "cannot be used without causing harmful interference to [PCS operations in the 1930-1995 MHz band]").

⁴ See e.g., Motorola Mobility Comments, WT Dkt. Nos. 12-70 and 04-356 and ET Dkt. No. 10-142, at 4 n.8 (May 17, 2012); AT&T Comments, WT Dkt. Nos. 12-70 and 04-356 and ET Dkt. No. 10-142, at 5-7 (May 17, 2012).

Block uplink (1915-1920 MHz) and downlink (1995-2000 MHz); Air-to-Ground service in the H Block uplink and Ground-to-Air service in the H Block downlink; as well as a combination of these two services within the band. In addition, DISH committed to reasonably cooperate with FCC efforts to establish service rules for the H Block in the future that allow for productive use of the H Block while providing protection for other bands and services, including AWS-4.

DISH also described the importance of flexible buildout milestones, noting that any buildout schedule must be commercially reasonable for a new entrant.

Respectfully submitted,

/s/ Jeffrey H. Blum

Jeffrey H. Blum

cc: David Goldman
Matthew Berry
Zachary Katz
Renee Wentzel
Ruth Milkman
John Leibovitz
Julius Knapp
Tom Peters
Blaise Scinto
Jeremy Marcus
Peter Daronco
Chris Helzer
Stephen Zak
John Spencer
Janet Young